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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR .	ATTORNEY DOCKET NO.	CONFIRMATION NO. ,
10/516,855	12/03/2004	Robert W. Leitch	04-053	7320
29883 BARTONY &	7590 08/20/2007 HARE LLP		EXAMINER	
1806 FRICK BUILDING			FIDEI, DAVID	
437 GRANT STREET PITTSBURGH, PA 15219-6101			ART UNIT	PAPER NUMBER
			3728	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Application No. 10/516,855 LEITCH, ROBERT W. Examiner David T. Fidei The MAILING DATE of this communication appears on the cover sheet with the correspondence address— Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 37 CFR 1.138(a). In or event, however, may a reply be simely filed in 11 No period for reply is specified above, the maximus attentory period will apply and will explice SIX (a) MONTH (S) OR THIRTY (30) DAYS WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 37 CFR 1.138(a). In or event, however, may a reply be simely filed in 11 No period for reply is specified above, the maximus attentory period will apply and will explice SIX (a) MONTHS from the mailing date of this communication or reply well in the set or extended period for reply will be provided by the eDice but then three mornins after the mailing date of this communication, even if limitly filed, may reduce any example particular term adjustment. Set 37 CFR 1.704(b). Status 1) Responsive to communication(s) filed on	Office Action Summary	10/516,855 Examiner David T. Fidei	LEITCH, ROBERT W.
Examiner	Office Action Summary	Examiner David T. Fidei	Art Unit
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Which EVERT S LONGER PROM THE MAILINGS DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (b) MONTHS from the mailing date of this communication. The state of the communication and the state of the communication to become ABANDONED (85 U.S.C. § 135). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(a). Status 1)	The MAILING DATE of this communication a priod for Reply		ith the correspondence address
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1) Notice of References Cited (PTO-892)

Paper No(s)/Mail Date _

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)

Attachment(s)

4) Interview Summary (PTO-413)

6) Other: _

Paper No(s)/Mail Date. _____.

5) Notice of Informal Patent Application

Application/Control Number: 10/516,855

Art Unit: 3728

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1, 3-20 and 25-31, drawn to a retainer.

Group II, claim(s) 21-24, drawn to a device for removal of medical sharps.

2. The inventions listed as Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: Claims 1, 3 to 20 and 25 to 31 define a holder for surgical instruments characterized by there being a number of individual retaining portions mounted on a body to keep separate and retain the operating (distal) end of surgical instruments. It is considered that such a holder comprises a first "special technical feature".

Claims 21 to 24 are directed to a device for the removal of medical sharps with an aperture in a body to receive a sharp and a perpendicular extending lip to remove the sharp from the instrument to which it is attached. It is considered that such a holder comprises a second "special technical feature".

3. Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

Application/Control Number: 10/516,855

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4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David T. Fidei whose telephone number is (571) 272-4553. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on (571) 2724562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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